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SPRINKLE IP LAW GROUP 1301 W. 25TH STREET SUITE 408 AUSTIN, TX 78705			STORK, KYLE R	
			ART UNIT	PAPER NUMBER
			2178	

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/681,762

Applicant(s)

MCCULLOUGH, SEAN M.

Examiner

Kyle R Stork

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected. }
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This final office action is in response to the Applicant's reply of 29 December 2004.
2. Claims 1-22 are pending. Claims 1, 4-5, 8, 11-12, 15-16, 19, and 22 remain rejected under 35 U.S.C. 102(e) as being anticipated by Alexander (US 6732331). Claims 2-3, 6-7, 9-10, 13-14, 17-18, 20-21 remain rejected under 35 U.S.C. 103(a) as being anticipated by Alexander in further view of Qureshi et al. (US 6456305, hereafter Qureshi), Merritt et al. (US 6041335, hereafter Merritt), Wayner (US 5557717), and Clark (XSL Transformation (XSLT) Version 1.0).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 4-5, 8, 11-12, 15-16, 19 and 22 ^{remain} ~~are~~ rejected under 35 U.S.C. 102(e) as being anticipated by Alexander (U.S. 6,732,331). ^{EBP}

As per independent claim 1, Alexander discloses the method of modifying a target document comprising:

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- Accessing a target document, a metadata element, and a rendering instruction, wherein the target document comprises a target element (column 2, lines 59-62; column 2, line 63- column 3, line 6)
- Locating the target element to which the metadata element applies (column 2, line 63- column 3, line 1: specifically the second sentence in the section stating that each element "includes a set of information attributes describing the data entry element")
- Transforming the metadata element into a rendered element by using the rendering instruction (column 3, lines 2-6)

As per dependent claim 4, Alexander discloses the method wherein locating further comprises matching a term within the metadata element with a corresponding term within the rendering instruction (column 6, lines 6-12).

As per dependent claim 5, Alexander discloses the method wherein the rendered element is displayed instead of the target element (Figures 7 and 8).

As per dependent claim 8, Alexander discloses the method further comprising inserting the rendered element into the target document (Figures 7 and 8: Notice that the metadata entered into figure 7 is rendered into the target document in figure 8).

As per dependent claim 11, Alexander discloses the method wherein the metadata element includes an identifier for the target document (column 11, lines 7-17: specifically the "name" tag on lines 9, 10, and 14).

As per independent claim 12, Alexander discloses the system readable medium having code embodied therein, the code including instructions executable by a data

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processing system, wherein the instructions are configured to causes the data processing system to perform a method of communicating with a user, the method comprising:

- Accessing a target document, a metadata element, and a rendering instruction, wherein the target document comprises a target element (column 2, lines 59-62; column 2, line 63- column 3, line 6)
- Locating the target element to which the metadata element applies (column 2, line 63- column 3, line 1: specifically the second sentence in the section stating that each element "includes a set of information attributes describing the data entry element")
- Transforming the metadata element into a rendered element by using the rendering instruction (column 3, lines 2-6)

As per dependent claim 15, Alexander discloses the data processing system medium wherein locating further comprises matching a term within the metadata element with a corresponding term within the rendering instruction (column 6, lines 6-12).

As per dependent claim 16, Alexander discloses the data processing system medium wherein the rendered element is displayed instead of the target element (Figures 7 and 8).

As per dependent claim 19, Alexander discloses the data processing system medium further comprising inserting the rendered element into the target document

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(Figures 7 and 8: Notice that the metadata entered into figure 7 is rendered into the target document in figure 8).

As per dependent claim 22, Alexander discloses the data processing system medium wherein the metadata element includes an identifier for the target document (column 11, lines 7-17: specifically the "name" tag on lines 9, 10, and 14).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-3 and 13-14 ^{remain} ~~are~~ rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander further in view of Qureshi et al. (U.S. 6,456,305).

As per dependent claim 2, Alexander discloses the limitations similar to those in claim 1, and the same rejection is incorporated herein. Alexander fails to disclose the method further comprising calculating screen coordinates relative to the target document where the rendered element is to be displayed. However, Qureshi discloses calculating screen coordinates relative to the target document where the rendered element is to be displayed (column 9, lines 13-16; column 9, lines 49-55).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Alexander's method of modifying target documents with Qureshi's method of calculating coordinates for displaying elements, since it would have allowed a user to create a target document and have the coordinates determined automatically.

As per dependent claim 3, Alexander and Qureshi disclose the limitations similar to those in claim 2, and the same rejection is incorporated herein. Qureshi also discloses inserting the element into the target document at the screen location (column 10, lines 11-17; column 10, lines 22-25).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Alexander and Qureshi's method of modifying target documents and calculating coordinates for display with Qureshi's method of displaying elements, since it would allow a user to observe the rendered elements.

As per dependent claim 13, Alexander discloses the limitations similar to those in claim 12, and the same rejection is incorporated herein. Alexander fails to disclose the data processing system medium further comprising calculating screen coordinates relative to the target document where the rendered element is to be displayed. However, Qureshi discloses calculating screen coordinates relative to the target document where the rendered element is to be displayed (column 9, lines 13-16; column 9, lines 49-55).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Alexander's data processing system medium of

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modifying target documents with Qureshi's method of calculating coordinates for displaying elements, since it would have allowed a user to create a target document and have the coordinates determined automatically.

As per dependent claim 14, Alexander and Qureshi disclose the limitations similar to those in claim 13, and the same rejection is incorporated herein. Qureshi also discloses inserting the element into the target document at the screen location (column 10, lines 11-17; column 10, lines 22-25).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Alexander and Qureshi's method of modifying target documents and calculating coordinates for display with Qureshi's method of displaying elements, since it would allow a user to observe the rendered elements.

7. Claims 6, 9, 17, and 20 ^{CBP} ~~are~~ ^{remain} rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander further in view of Merritt et al. (U.S. 6,041,335).

As per dependent claim 6, Alexander discloses the limitations similar to those in claim 5, and the same rejection is incorporated herein. Alexander fails to disclose the method wherein the rendered element includes a row or column of icons. However, Merritt discloses a row or column of icons (Figures 3-5: specifically the icon bar at the top that contains items 48 and 62 in Figure 3, item 46 in Figure 4, and item 48 in Figure 5).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Alexander's method of displaying rendered

elements instead of target elements with Merritt's method of displaying rendered elements in a row or column, since it would have allowed a user to have all rendered elements in a single area so that data associated with them could be quickly and easily accessed without having to navigate throughout the target document.

As per dependent claim 9, Alexander discloses the limitations similar to those in claim 8, and the same rejection is incorporated herein. Alexander fails to disclose:

- The rendered element overlays the target element
- The target element can be seen at least partially through the rendered element

However, Merritt discloses the method wherein:

- The rendered element overlays the target element (Figure 3, items 40 and 42; Figure 4, item 42; Figure 5, item 52)
- The target element can be seen at least partially through the rendered element (column 2, lines 46-48)

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Alexander's method of modifying a target document with Merritt's method of displaying transparent overlays of rendered objects, since it would have allowed for transparent elements to not block other images on a computer monitor (Bartlett, U.S. 5,283,560: column 1, lines 53-54).

As per dependent claim 17, Alexander discloses the limitations similar to those in claim 16, and the same rejection is incorporated herein. Alexander fails to disclose the data processing system medium wherein the rendered element includes a row or column of icons. However, Merritt discloses a row or column of icons (Figures 3-5:

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specifically the icon bar at the top that contains items 48 and 62 in Figure 3, item 46 in Figure 4, and item 48 in Figure 5).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Alexander's data processing system medium displaying rendered elements instead of target elements with Merritt's method of displaying rendered elements in a row or column, since it would have allowed a user to have all rendered elements in a single area so that data associated with them could be quickly and easily accessed without having to navigate throughout the target document.

As per dependent claim 20, Alexander discloses the limitations similar to those in claim 19, and the same rejection is incorporated herein. Alexander fails to disclose:

- The rendered element overlays the target element
- The target element can be seen at least partially through the rendered element

However, Merritt discloses the data processing system wherein:

- The rendered element overlays the target element (Figure 3, items 40 and 42; Figure 4, item 42; Figure 5, item 52)
- The target element can be seen at least partially through the rendered element (column 2, lines 46-48)

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Alexander's method of modifying a target document with Merritt's method of displaying transparent overlays of rendered objects, since it would have allowed for transparent elements to not block other images on a computer monitor (Bartlett, U.S. 5,283,560: column 1, lines 53-54).

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8. Claims 7 and 18 ^{remain esp} ~~are~~ rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander further in view of Wayner (U.S. 5,557,717).

As per dependent claim 7, Alexander discloses the limitations similar to those in claim 5, and the same rejection is incorporated herein. Alexander fails to disclose:

- The target element including numerical information
- The rendered element includes a depiction of the numerical information
- The depiction includes a representation of the numerical information in at least two dimensions

However, Wayner discloses the method wherein:

- The target element including numerical information (column 7, lines 32-36)
- The rendered element includes a depiction of the numerical information (column 7, lines 32-36; column 9, lines 8-18: here, the score is numerical information)
- The depiction includes a representation of the numerical information in at least two dimensions (column 10, line 61- column 11, line 20)

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Alexander's method of rendering metadata about a target element with Wayner's method of rendering a graph from metadata, since it would have allowed a user to easily archive information that would be available for reproduction (Wayner: column 11, lines 33-35; column 11, lines 40-41).

As per dependent claim 18, Alexander discloses the limitations similar to those in claim 16, and the same rejection is incorporated herein. Alexander fails to disclose:

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- The target element including numerical information
- The rendered element includes a depiction of the numerical information
- The depiction includes a representation of the numerical information in at least two dimensions

However, Wayner discloses the data processing system medium wherein:

- The target element including numerical information (column 7, lines 32-36)
- The rendered element includes a depiction of the numerical information (column 7, lines 32-36; column 9, lines 8-18: here, the score is numerical information)
- The depiction includes a representation of the numerical information in at least two dimensions (column 10, line 61- column 11, line 20)

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Alexander's method of rendering metadata about a target element with Wayner's method of rendering a graph from metadata, since it would have allowed a user to easily archive information that would be available for reproduction (Wayner: column 11, lines 33-35; column 11, lines 40-41).

9. Claims 10 and 21 ^{remain} ~~are~~ rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander further in view of Clark (XSL Transformations (XSLT) Version 1.0).

As per dependent claim 10, Alexander discloses the limitations similar to those in claim 1, and the same rejection is incorporated herein. However, Alexander fails to disclose the method wherein a tag within the metadata element includes a locating information to locate the target element within the target document. However, Clark

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discloses the method wherein a tag within the metadata element includes a locating information to locate the target element within the target document (page 28, first paragraph: here, being able to give an element a name attribute and an optional namespace attribute allow for the named element to be located within the namespace).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Alexander's method of modifying target documents with Clark's method of locating a target element within a target document, since it would have allowed a user to render specific elements or even to render elements within specific namespaces.

As per dependent claim 21, Alexander discloses the limitations similar to those in claim 12, and the same rejection is incorporated herein. However, Alexander fails to disclose the data processing system medium wherein a tag within the metadata element includes a locating information to locate the target element within the target document. However, Clark discloses the method wherein a tag within the metadata element includes a locating information to locate the target element within the target document (page 28, first paragraph: here, being able to give an element a name attribute and an optional namespace attribute allow for the named element to be located within the namespace).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Alexander's data processing system medium of modifying target documents with Clark's method of locating a target element within a

target document, since it would have allowed a user to render specific elements or even to render elements within specific namespaces.

Response to Arguments

10. Applicant's arguments filed 29 December 2004 have been fully considered but they are not persuasive.

As per the applicant's argument that Alexander fails to disclose any of the limitations of claim 1 (page 4, lines 17-21), the examiner respectfully disagrees. Alexander discloses a target document (column 2, lines 59-60: Here, a stored template written in a tag delimited language is a target document), a metadata element (column 2, lines 49-52 and 60-62: Here, metadata is a metadata element), a rendering instruction (column 3, lines 2-6; Figures 10-11: Here, the document is rendered).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., rendering to display) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993)) and a target element (column 2, lines 63-65: Here, a data entry element is a target element). Alexander further discloses locating the target element to which the metadata element applies (column 2, lines 63-67: Here, the set of information attributes describing the target element (data entry element) is metadata as described in Alexander, column 2, lines 49-52). Alexander further discloses transforming the

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metadata element into a rendered element by using the rendering instruction (column 3, lines 2-6; Figures 7-8: Here, metadata, such as Synopsis and Authors' Bio are metadata associated with target elements. Both the metadata and target elements are then rendered in the sample page in Figure 8).

Claim 12 remains rejected as it recites substantially the same limitations as claim 1.

As per the applicant's argument concerning dependent claim 4, the examiner respectfully disagrees. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., render for display) are not recited in the rejected claim(s).

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Further, Alexander discloses locating a matching term within a metadata element corresponding to a rendering instruction (column 6, lines 6-12: Here, the metadata and elements are used to generate a tag-delimited document, HTML, suitable for Web pages. This data is validated). Further, Alexander discloses the user of XML in the generation of a target document (Figure 4; column 6, lines 38-56: Here, the template is an XML document). XML documents are required to be well formed, meaning that they contain an opening term, or tag, and a corresponding closing term, or tag. Further, Alexander discloses querying a SQL server database for metadata corresponding to the requested data (column 6, lines 45-49).

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Claim 15 remains rejected as it recites substantially the same limitations as claim 4.

As per the applicant's argument concerning dependent claim 5, the examiner respectfully disagrees. Alexander discloses the method wherein the rendered element is displayed instead of the target element (Figures 7-8). In Figure 7, both the metadata (items 138 and 139) are shown with target elements (items 147 and 148). In Figure 8, both elements have been rendered to form a Web page (Here, item 138 has been rendered as item 163, item 147 has been rendered as 164 (this is not merely a substitution, as seen by the different font and boldness of elements), item 139 has been rendered as 165, and item 148 has been rendered as 166).

Claim 16 remains rejected as it recites substantially the same limitations as claim 5.

As per the applicant's argument concerning dependent claim 8, the examiner respectfully disagrees. Alexander discloses inserting the rendered element into the target document (Figures 7-8). As noted above, the metadata elements (items 137 and 138) and the target elements (items 147 and 148) have been inserted into the rendered document (Figure 8, items 163-166).

Claim 19 remains rejected as it recites substantially the same limitations as claim 8.

As per the applicant's argument concerning dependent claims 11 and 22, the examiner respectfully disagrees. Claims 11 and 22 remain rejected under Alexander.

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As per the applicant's argument concerning dependent claims 11 and 22, the examiner respectfully disagrees. Alexander discloses the limitations of claim 1, as detailed above. Qureshi further discloses calculating screen coordinates relative to the target document where the rendered element is to be displayed (Figure 10B; column 4, lines 61-64; column 9, lines 13-56: Here, a scaling factor is calculated. This scaling factor is then applied to elements in a page to determine the screen coordinates for rendering. In figure 10, item 273, a new height and width for each item is calculated, to determine the position within the window relative to where the element is to be displayed).

Claim 13 remains rejected as it recites substantially the same limitations as claim 2.

As per the applicant's argument concerning dependent claims 11 and 22, the examiner respectfully disagrees. Alexander discloses the limitations of claim 1, as detailed above. Qureshi further discloses inserting the rendered element into the target document at the screen coordinates (column 10, lines 11-25: Here, a resized element (image or text) is placed into an HTML document at the screen coordinates).

Claim 14 remains rejected as it recites substantially the same limitations as claim 3.

As per the applicant's argument concerning dependent claims 6-7, 9-10, 17-18, and 20-21, the examiner respectfully disagrees. As the only arguments the applicant presents for these claims pertain to base claims detailed above, these claims remain rejected.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyle R Stork whose telephone number is (571) 272-4130. The examiner can normally be reached on Monday-Friday (7:00-3:30).

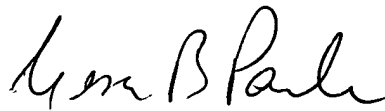
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (703) 308-5465. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kyle Stork
Patent Examiner
Art Unit 2178

KRS

A handwritten signature in black ink, appearing to read "Cesar Paula", written in a cursive style.

CESAR PAULA
PRIMARY EXAMINER